

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

EDWARD LEE LEWIS,

Plaintiff,

v.

CIVIL ACTION NO. 2:16-cv-07366

ANTHONY LEONARD,
Administrator, and
JOHN and JANE DOES,

Defendants.

MEMORANDUM OPINION AND ORDER

Before the Court is Plaintiff Edward Lee Lewis's Letter-Form Motion for Emergency Injunction (ECF No. 2). By Order entered August 9, 2016, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation (PF&R) pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Tinsley filed his PF&R (ECF No. 3) on December 14, 2016, recommending that this Court **DENY** the Letter-Form Motion for Emergency Injunction as moot and **DISMISS** the action.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Plaintiff's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need

not conduct a *de novo* review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections to the PF&R in this case were due on January 3, 2017. To date, no objections have been filed.¹

Accordingly, the Court **ADOPTS** the PF&R (ECF No. 3), **DENIES** the Letter-Form Motion for Emergency Injunction (ECF No. 2) as moot, and **DISMISSES** this case from the docket. A separate Judgment Order will enter this day implementing the rulings contained herein.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: January 11, 2017

A handwritten signature in blue ink, appearing to read 'Th. Johnston', is written over a horizontal line.

THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE

¹ The Court notes that the copy of the PF&R that was mailed to Plaintiff was returned as undeliverable because it was mailed to his address at South Central Regional Jail, where he was no longer an inmate. While it is unknown if Plaintiff is aware of the filing of the PF&R, it was Plaintiff’s responsibility to update the Clerk’s Office on his change of address, which he failed to do. In any event, Plaintiff’s claims are moot as a result of his release, so he will not suffer prejudice due to his non-receipt of the PF&R.